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Letter from the Secretary of the Interior, relative to an amendment to the Indian appropriation bill for subsistence of the Ute Indians in Colorado

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UTE INDIANS IN COLORADO.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

An amendment 'o the Indian appropriation bill for subsistence of the Ute Indians in Colorado.

JANUARY 13, 1875.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 9, 1875.

SIR: I have the honor to transmit herewith a copy of a report, dated the 8th instant, from the Commissioner of Indian Affairs, inviting the attention of this Department to the provision in the twelfth article of the treaty concluded with several bands of the Ute Indians in Colorado, March 2, 1868, (Stats., vol. 15, p. 619,) providing the sum of \$30,000 annually, to be expended for food for said Indians, under the direction of the Secretary of the Interior, &c.

The Commissioner recommends, inasmuch as the item does not appear in the appropriation bill now before the House, that the subject be laid before Congress for its action, in order that the usual appropriation may be inserted in the Indian appropriation bill for the fiscal year ending June 30, 1876; and also that the appropriation which should have been made for the present fiscal year be also included, to be made available immediately.

The subject is respectfully submitted to Congress, with the request that the bill now pending may be amended in the manner recommended by the Commissioner.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The SPEAKER of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 8, 1875.

SIR: I have the honor to invite the attention of the Department to the twelfth article of the treaty concluded with the Tabeguache, Muache,

Capote, Weminuche, Yampa, Grand River, and Uintah bands of Ute Indians in Colorado, March 2, 1868, (Stats., vol. 15, p. 619,) which provides "that an additional sum sufficient, in the discretion of Congress, (but not to exceed thirty thousand dollars per annum,) to supply the wants of said Indians for food, shall be annually expended, under the direction of the Secretary of the Interior, in supplying said Indians with beef, mutton, wheat, flour, beans, and potatoes, until such time as said Indians shall be found to be capable of sustaining themselves."

This sum of \$30,000 has been appropriated annually by Congress until the present fiscal year; and, although regularly estimated for, in accordance with the provisions just quoted, it does not appear in the appropriation bill for the fiscal year ending June 30, 1876, as reported to the House of Representatives.

It is respectfully submitted that these Indians are not "capable of sustaining themselves," and that the appropriation should be continued, as provided in the provision of the treaty above quoted, "until such time as said Indians shall be found to be capable of sustaining themselves."

The articles of agreement concluded with these Indians by Mr. Brunot, and ratified by Congress, (see act of April 29, 1874, *pamp. ed. Stats. at Large*, p. 36,) stipulates that "all the provisions of the treaty of eighteen hundred and sixty-eight not altered by this agreement shall continue in force." There is nothing in said agreement which alters the twelfth article of the treaty of 1868, providing for this appropriation of \$30,000, nor is there anything known to this Office which would relieve the Government from the obligation incurred thereby. On the contrary, it was expressly understood by the Utes, when consenting, after long dissent, to the agreement of a cession of a portion of their reservation, that the compensation named in the agreement was a sum additional to that they were then receiving; and it cannot be made to appear to them in any other light than that the Government has taken a large and valuable portion of their reservation, and now declines to pay them for it. It should be stated, further, that these Indians have at no distant day to be taken up and supported entirely, to keep them from depredating and fighting, as the Sioux are now fed, unless they can receive such aid as will enable them to begin their self-support in herding sheep and cattle.

I therefore respectfully recommend that this subject be laid before Congress for its action, in order that the usual appropriation may be inserted in the Indian appropriation bill for the fiscal year ending June 30, 1876; and also that the appropriation which should have been made for the present fiscal year be also included, to be made available immediately.

In addition to the obligations of the Government to carry out the stipulation referred to, I desire to add that there are no funds now on hand out of which these Indians can be supplied with food during the present fiscal year, except a small remnant of interest on their invested funds, as provided by the third article of the agreement above referred to.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Honorable SECRETARY OF THE INTERIOR.